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OUR FILE NO. 104659-157060

Attorney Docket No.: JHU1400-1 (07265/098002)

RECEIVED

ATTN: BOX CPA

Commissioner for Patents Washington, D.C. 20231

TECH CENTER TOUL 2800

This paper is a request for a **continued prosecution application** under 37 C.F.R. § 1.53(d) of:

Applicants:

Harry C. Dietz

Title:

DELIVERY CONSTRUCT FOR ANTISENSE NUCLEIC ACIDS

AND METHODS OF USE

Prior U.S. Application No.:

09/163,289

Filing date:

September 29, 1998

The prior application was complete as defined by 37 C.F.R. § 1.51(b), or was a national stage of an international application filed in compliance with 35 U.S.C. § 371.

This request for a CPA is the reference to the prior application noted above as required by 35 U.S.C. § 120. Kindly abandon the prior application in favor of the continued proceedings that are requested herein.

Applicants respectfully request entry of the Preliminary Amendment mailed herewith.

The prior application is assigned of record to THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE, by virtue of an Assignment submitted to the Patent and Trademark Office for recording on March 10, 1997, at Reel No. 8537, Frame No. 0233.

\$5/20/2002 AWONDATI 00000070 09163289

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370.00 OF

EXPRESS MAIL Number: EV047294965 US

Date of Deposit: May 15, 2002

I hereby certify that this paper is being deposited with the United States Postal Service

"EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: ATTN: BOX CPA.

Commissioner for Patents, Washington, D.C. 20231

**JASON BERRY** 

(Name of Individual Depositing with P.O.)

arin

Deur (PO.) (Signature of Individual Depositing with

## Gray Cary Ware & Freidenrich LLP

Box CPA May 15, 2002 Page Two

This request includes Three (3) sheets, and the following:

- Petition for Five (5) Months Extension of Time;
- Preliminary Amendment
- Terminal Disclaimer ?
- Check No.: 509085 for \$1,350.00; and
- Return Receipt Postcard;

The entire disclosure of the prior application is considered as being part of the disclosure of accompanying application and is incorporated by reference.

Applicants claim **SMALL ENTITY status** in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

Enclosed please find Check No. 509085 in the amount of \$1,350.00; which consists of \$370.00 for the basic filing fee and \$980.00 for the Five (5) Months Extension of Time fee. Please charge any additional required fees or credit any overpayments, to Deposit Account No. 50-1355, referencing the Attorney Docket number shown above. A copy of this transmittal letter is attached.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard. All future correspondence should be addressed to:

Lisa A. Haile, J.D., Ph.D. GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1100

San Diego, CA 92121-2133

Telephone: (858) 677-1456 Facsimile: (858) 677-1465 CUSTOMER No.: 28213

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

May 15, 2002

Date

Enclosures

Gray Cary\GT\6294106.1 104659-157060 In re Application of:

Harry C. Dietz

Application No.: 09/163,289 Filed: September 29, 1998

Page 2

Patent Attorney Docket No.: JHU1400-1

A check for the total sum of \$940.00 is enclosed for the five-month Extension of Time fee. Please charge Deposit Account No. 50-1355 for any other fees or credits believed to be due. A copy of this Petition is enclosed.

Respectfully submitted,

Date: May 15, 2002

Lisa A. Haile, Ph.D. Registration No. 38,347 Telephone: (858) 677-1456 Facsimile: (858) 677-1465

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CUSTOMER No.: 28213



**PATENT** 

Attorney Docket No.: JHU1400-1

## HE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Harry C. Dietz

Art Unit:

1635

Application No.:

09/163,289

Examiner:

M. Schmidt

Filed:

September 29, 1998

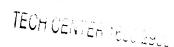
Title:

DELIVERY CONSTRUCT FOR ANTISENSE NUCLEIC ACIDS

AND METHODS OF USE

Commissioner for Patents Washington, D.C. 20231

## **PRELIMINARY AMENDMENT**



Sir:

Prior to examination of the above application, and further responsive to the Final Office Action mailed July 17, 2001 please consider the following amendments and remarks.

EXPRESS MAIL Number: EV047294965 US

Date of Deposit: May 15, 2002

Thereby certify that this paper is being deposited with the United States Postal Service "FXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to ATTN BOX CPA. Commissioner for Patents, Washington, D.C. 20231

JASON BERRY

(Name of Individual Depositing with P.On

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